

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

RAYMOND E. JONES, Deceased
By YVETTE JONES, Personal
Representative of the Estate of
RAYMOND JONES, Deceased,

Case No. 1:-09-cv-392
Hon.: Paul L. Maloney

Plaintiff,

V

GEORGE PRAMSTALLER, NANCY MARTIN, MICHAEL WILKINSON, RN, TAMERLA
HAMILTON, RN, RENEE A. VANHOUTEN, RN, DAVID VANARSDALE, RN, SHERRI
CASTENHOLTZ, RN, BADAWI ABDELLATIF

In their individual capacities,
Defendants

KENNETH D. FINEGOOD, P.L.C.
Kenneth D. Finegood (P36170)
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248-351-0608

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JAMES T. FARRELL (P35400)
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Attorney for Martin, Wilkinson, Pramstaller,
Vanarsdale, Hamilton, Castenholtz
and Vanhouten, only
Corrections Division
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517-335-7021

**VERIFIED MOTION FOR LEAVE TO SETTLE CLAIM, APPROVAL OF COSTS AND
ATTORNEY FEES, AND DISTRIBUTION OF NET PROCEEDS TO CLIENT TRUST
ACCOUNT PENDING FURTHER ORDER**

Now Comes, Estate of Raymond Jones, Deceased, by Yvette Jones, Personal
Representative of the Estate of Raymond Jones, Deceased, by and through her attorney Kenneth
D. Finegood, PLC and in support of her Motion for Leave to Settle Claim, Approval of Costs and
Attorney Fees and Distribution of Net Proceeds, state as follows:

1. That Yvette Jones, mother of Plaintiff's decedent was duly appointed personal representative of the Estate of Raymond Jones, Deceased, in Probate Court for the County of Calhoun, State of Michigan on May 14, 2008 Calhoun County Probate Court 2008-261-DE attached hereto as Exhibit 1.

2. That by and through plaintiff and defendants respective counsel, total and complete resolution and settlement of all claims and causes of action pending before this Honorable Court have been resolved and settled.

3. That plaintiff's personal representative seeks this Honorable Court's approval and leave to settle their claim as well as the approval of costs and attorney fees associated therewith, and distribution of the net proceeds into Kenneth D. Finegood, PLC, client trust account, pending further Order of the Court, pursuant to MCL 600.2922(5).

4. That Personal Representative Yvette Jones executed on June 5, 2008 a contingency fee agreement with Law Office of Kenneth D. Finegood, PLC. Said contingency fee agreement provides for the recovery of costs associated with the subject litigation as well as contingency fee payment, thirty-three and one third percent (33 1/3 %) of the net recovery, as set forth in Exhibit 2, attached hereto in support of this motion.

5. That settling Defendants, George Pramstaller, DO, Nancy Martin, Tamerla Hamilton, RN, Rene VanHouton, RN, Sherrie Castenholz, RN, David VanArsdale, RN, Michael Wilkinson, RN in consideration of dismissal with prejudice of any and all claims occurring in the Ernest Brooks Correctional Facility, located in the City of Muskegon, County of Muskegon, State of Michigan on or about August 29, 2007 through September 14, 2007 as set forth more fully in Plaintiffs' First Amended Complaint, document 44 herein, shall pay the sum of Fifty

Thousand dollars (\$50,000.00) paid forthwith to the Estate of Raymond Jones, Deceased and Kenneth D. Finegood, PLC.

6. That co-defendant Badawi Abdellatif, MD shall pay zero dollars in settlement of any and all claims against him as more particularly set forth in Plaintiff's First Amended Complaint, document 44 herein.

7. That Plaintiffs Personal Representative seeks the Court's leave to settle this cause of action in consideration of the aforementioned sum certain. That Plaintiff's Personal Representative also seeks the leave of this Court to settle any and all claims that they may have on behalf of the Estate of the decedent against any and all of the named Defendants arising out of the incarceration of Raymond Jones, at the Ernest C. Brooks Correctional Facility, Muskegon County, at any time, and his death while incarcerated therein.

8. That Plaintiff's Personal Representative has reviewed and approves, and requests payment for the costs incurred in the subject litigation by the law firm of Law Office of Kenneth D. Finegood, PLC, stated in the sum of \$26,799.77 and are set forth more fully in the attached Exhibit 3, provided in support of the subject motion.

9. That Personal Representative seeks approval and authority for payment of their counsel's costs in the total sum of \$26,799.77, from gross proceeds of FIFTY THOUSAND AND 00/100 (\$50,000.00), and thereafter the payment of attorney fees in the sum of \$7,733.41 payable to Law Office of Kenneth D. Finegood, PLC in the amount of \$7,733.41. (Exhibit 4 Itemized Time Sheet)

9. That Plaintiff's Personal Representative seeks approval and an Order from the Court that the net settlement sum of \$15,466.82 be deposited into the client trust account of Law Office of Kenneth D. Finegood, PLC pending further Order for distribution.

10. That the funeral and burial expenses of Plaintiffs' decedent have been paid.

11. That Plaintiffs' Personal Representatives request a finding that Plaintiffs' decedent did not suffer any conscious pain or suffering.

12. That Plaintiff Personal Representatives has executed a waiver and consent dated February 13, 2013. Waiver and Consent of Yvette Jones, attached as Exhibit 5.

13 That concurrence was sought on February 26, 2013 and was not obtained as of the time of electronic filing.

That in summation, Plaintiff requests this Honorable Court for an order approving settlement in the amount of FIFTY THOUSAND DOLLARS AND 00/00 (\$50,000.00) with all defendants herein, with the exception of Badawi Abdellatif, MD, who shall pay zero dollars; payment of costs and attorney fees as set forth herein above and a finding of no conscious pain and suffering being incurred by Plaintiff's decedent, that the net proceeds stated herein above be placed in client trust account of Law Office of Kenneth D. Finegood, PLC pending further order of this Honorable Court, Plaintiff's proposed order attached in support of said Motion attached as Exhibit 6.

WHEREFORE, Plaintiffs pray unto this Honorable Court for an order as follows:

1st. Approval of Settlement by and between Plaintiff Estate of Raymond Jones, Deceased and Defendants George Pramstaller, DO, Nancy Martin, Tamerla Hamilton, Renee VanHouton, Sherrie Castenholz, David VanArsdale, Michael Wilkinson in the sum of FIFTY THOUSAND DOLLARS AND 00/00 (\$50,000.00) and zero dollars as to defendant Badawi Abdellatif, MD.

2nd. Approval of Plaintiffs' total costs and expenses in the amount of \$26,799.77; as payable to Law Office of Kenneth D. Finegood, PLC in the amount of \$26,799.77

3rd. Approval of Attorney Fees based on settling Defendants herein, in the amount of \$7,733.41; payable to Law Office of Kenneth D. Finegood, PLC in the amount of \$7,733.41

4th. That Plaintiff Decedent did not suffer any conscious pain or suffering.

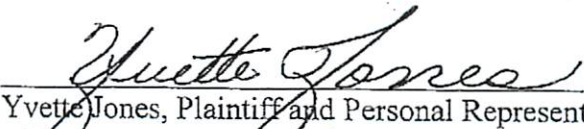
5th. That the total net proceeds in the sum of \$15,466.82 are ordered to be placed in the client trust account of Law Office of Kenneth D. Finegood, PLC to be so held until further order of the Court.

6th. That the Personal Representative is hereby authorized to enter into a Settlement Agreement and Release releasing any and all claims that the Estate of Raymond Jones, deceased, may have against George Pramstaller, DO, Nancy Martin, Tamerla Hamilton, RN, Rene VanHouton, RN, Sherrie Castenholz, RN, David VanArsdale, RN, Michael Wilkinson, RN as more fully set forth in the Motion herein.

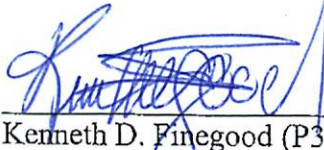
7th. That Personal Representative Yvette Jones shall, pursuant to MCL 600.2922 et seq, motion this Court, or any Court having competent jurisdiction for distribution of the net settlement proceeds.

I hereby acknowledge that the statements made hereinabove are true to the best of my knowledge, information and belief.

Date 2/15/2013


Yvette Jones, Plaintiff and Personal Representative
of Estate of Raymond Jones, Deceased

Date 2/25/2013


Kenneth D. Finegood (P36170)
Counsel for Plaintiff